MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

MLL2013 – MEDIA LAW

(All Sections / Groups)

8 FEBRUARY 2023
2.30 p.m. – 4.30 p.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **TWO** pages excluding the cover page.

2. Answer **ALL** questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Please write all your answers in the Answer Booklet provided. All answers should be supported with relevant statutory provisions and case law.

QUESTION 1

a) Dato' Squidward was recently appointed as a non-executive independent director of Crabby Berhad, a public company developing smart card and identity documents. He has over 15 years of diverse functional and leadership roles in multinationals and large local organisations across several sectors. Upon his appointment, an article was published by a website called 'Dirty Corporate Insight' stating that he was involved in money laundering scheme in his former organisation. According to the article, the scheme had caused an enormous loss to the organisation resulting in its insolvency. Unfortunately, the article did not disclose the fact that Dato' Squidward was found to be innocent and it was him who made the report to the Securities Commission of Malaysia about the misconduct of his former organisation. Due to the article and its controversy, Crabby Berhad removes Dato' Squidward from his position. Advise him on his legal action to be taken against 'Dirty Corporate Insight'.

(15 marks)

b) The defendant in a defamation lawsuit may raise several defences available under the Defamation Act 1957. With reference to the provisions of the Act and case law, explain the following:

i. The defence of truth or justification

(4 marks)

ii. Fair comments

(6 marks)

[Total: 25 marks]

QUESTION 2

a) Section 11 of the Contracts Act 1950 provides that *"every person is competent to contract who is of the age of majority according to the law to which he is subject, and who is of sound mind, and is not disqualified from contracting by any law to which he is subject."* Explain the capacity of a minor in a contract.

(10 marks)

b) In early 2019, Mr. Spongebob and his family moved to Cyber Heights Villa in Cyberjaya. Mr. Spongebob is an Information Technology (IT) Specialist in an international company located nearby. During the Covid-19 pandemic, his company was facing operational matters resulting to the dissolution of the company. All of the employees of the company were laid off including Mr. Spongebob. After the laid off, Mr. Spongebob was depressed and began to abandon his responsibilities. The situation became worse when his wife found out that he was having an affair. The couple finally decided to live separately after filing for divorce. In spite of that, Mr. Spongebob agreed to pay for the monthly instalments of the house and their children's school fees. Both of them signed an agreement to such effect. Mrs. Spongebob receives a warning letter from the bank on a six-

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months defaults of payment for the house instalments. Advise her if Mr. Spongebob can be made liable for the defaults.

(15 marks)

[Total: 25 marks]

QUESTION 3

The law on copyright in Malaysia is governed by the Copyright Act 1987. The law has undergone various significant updates. Based on the relevant provisions of the Act, explain the following:

a) the definition and examples of literary and artistic works

(5 marks)

b) the elements of copyright

(10 marks)

c) the circumstances under the Act that can be constituted as an infringement of copyright

(10 marks)

[Total: 25 marks]

QUESTION 4

a) Miss Plankton is a businesswoman selling botanical beverage called 'Petty'. To accelerate her profit this year, she attended a marketing class conducted by Dato' Gary, a marketing expert. During the class, Dato' Gary gave the attendees a list of phone numbers and emails. He said that he retrieves the data from his former organisation so that he can use them in his marketing classes. He even told his attendees to create a LinkedIn account to promote their products and connect with some of potential customers. Miss Plankton, drafts a promotional message and sends the message to all her connections in LinkedIn. The same promotional message was sent to all her contacts through WhatsApp application. Explain the definition and rules of netiquette including the rules which were breached by Miss Plankton and Dato' Gary.

(15 marks)

b) Computer ethics are rules that regulate the online conduct of computer or internet users. List the rules of computer ethics.

(10 marks)

[Total: 25 marks]

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